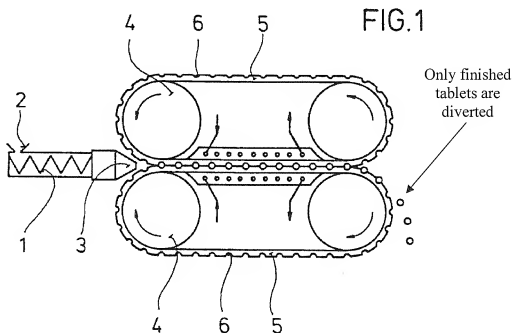


REMARKS

The rejection of claims 1, 3, 5, 7 – 9, and 11 – 19 under 35 U.S.C. §103(a) over US 4,072,551 to Dabal et al. (hereinafter, “Dabal”) in view of US 5,073,379 to Klimesch et al. (hereinafter, “Klimesch”) is in error and should be withdrawn.

The proposed combination would render Dabal unsuitable for its intended purpose. The proposed combination involves using Klimesch’s melt extrusion composition that includes a pharmaceutically active ingredient during Dabal’s molding process in order to avoid having to add the active ingredient at a later stage after extrusion. Dabal emphasizes that its prime object is to deposit active ingredient on the moving web surface in an exceptionally uniform manner (See column 15, lines 37 – 40). Dabal also explains, since it is the object of the invention to load the active ingredient to the surface of the web, where any appreciable amount of active substance is absorbed into the web it is necessary to provide a web without active ingredient as the outer surface (See column 17, lines 39 – 58).

Klimesch does not describe diverting a solidified tablet belt in a downward direction from a transport plane to a tangential plane. As can be seen from Figure 1 of Klimesch a solidified tablet belt is not diverted from one plane to another. Only finished tablets are so diverted.



Likewise, Dabal does not describe diverting a solidified tablet belt in a downward direction from a transport plane to a tangential plane. As can be seen from Figure 5 of Dabal a solidified tablet belt is not diverted from one plane to another.

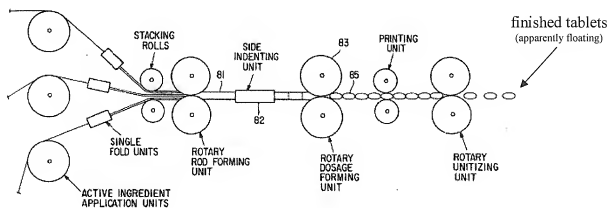


FIG. 5

Since neither reference describes diverting a solidified tablet belt in a downward direction from a transport plane to a tangential plane arranged at an angle relative to the transport plane, the combination does not establish a *prima facie* case of obviousness with respect to claim 1, which requires asserting upon the tablet belt a force generated by diverting a solidified tablet belt in a downward direction from a transport plane to a tangential plane arranged at an angle relative to the transport plane. Claims 3 and 5 depend from claim 1.

Furthermore, the present invention does not relate to concurrent forming and unitizing. Dabal does not describe its "rotary unitizing unit," schematically depicted in Figure 5, in any detail. The unitizing methods mentioned in column 26 and 27 of Dabal refer either to concurrent forming and unitizing or to cutting operations. Similarly, Klimesh relates to a method and device for concurrent forming and unitizing. On the other hand, the present invention relates to using a force generated by diverting a tablet belt out of its transport plane to unitize (singulate) the belt into individual tablets by breaking the product web connecting the tablets in the belt. Thus, according to the present invention, cutting tools, which may damage the tablets, can be avoided. According to various embodiments of the invention, breaking rollers can be provided with flexible thin plates that do not have to perform cutting operation. Consequently, the

present invention avoids damaging the tablets. (See page 8, lines 28 *et seq.* of the present specification).

Claim 12 requires at least one rotatable roller for diverting the tablet belt out of a transport plane of the first transport means and in a downward direction from the transport plane to a tangential plane. As discussed above, neither Klimesch nor Dabal describe diverting a tablet belt from one plane to another. Thus, the combination does not establish a *prima facie* case of obviousness. Claims 7 – 9 and 11 depend from claim 12.

Claim 13 requires singulating a solidified tablet belt by asserting a force generated by diverting the solidified tablet belt in a downward direction from a transport plane to a tangential plane arranged at an angle relative to the transport plane. Again, the combination does not describe this feature and therefore does not establish a *prima facie* case of obviousness. Claims 14 – 19 depend from claim 13.

Petition for Extension of Time

Applicants respectfully request that a three-month extension of time be granted in this case. The respective fee is paid by credit card.

Fee Authorization

The Director is hereby authorized to charge any deficiency in fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account 14-1437. Please credit any excess fees to such account.

Conclusion

The present application is in condition for allowance, and applicants respectfully request favorable action. In order to facilitate the resolution of any questions, the Examiner is welcome to contact the undersigned by phone.

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Respectfully submitted,
NOVAK DRUCE + QUIGG, LLP

A handwritten signature in black ink, reading "Michael P. Byrne". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael P. Byrne
Registration No. 54,015